

Civil Motion Practice

A. Authority

Pursuant to 28 U.S.C. § 636 (b)(1)(A) and (B) and an order of reference from the district judge, motions will be decided either by Report & Recommendation or Order. Dispositive motions may be referred by the district judge for Opinion and Order on consent of the parties. 28 U.S.C. § 636(c).

B. Scheduling

In instances where the court has issued a briefing schedule on a motion, that schedule applies. In all other instances, the parties should follow Local Civil Rule 7.1(e).

C. Briefs

If a motion, response or reply includes exhibits totaling more than 20 pages, then in addition to the electronically filed copy, a courtesy copy of the motion and exhibits shall be provided to the court's chambers. Relevant portions of lengthy documents should be highlighted. The courtesy copy should be a filed copy containing the electronic date stamp on the top.

Â If not hand-delivered on the day of the filing, the chambers copy must be sent via first class mail the same day the document is e-filed. Where a filing relates to a court proceeding scheduled within the next five days or otherwise requires the immediate attention of the court, the chambers copy must be hand-delivered to chambers not later than the morning of the next business day after the document is e-filed.

D. Hearing/Oral Argument

The court generally hears oral argument on civil motions. Motion hearings are usually set for Tuesdays and Thursdays, at 10:00 a.m. or 1:30 p.m., and the court will send a notice of hearing with a specific date and time. Motions requiring protracted arguments may be set separately if requested by counsel in advance. Motions requiring an evidentiary hearing will also be heard separately. The court may cancel a scheduled hearing if it appears, after review of the briefs, that the issues can be decided without a hearing pursuant to LR 7.1(f).

Out of town counsel may request to appear by phone and such requests are generally approved.

E. Orders

While the court will generally issue its own orders, counsel may bring an appropriate order granting or denying the motion to the hearing. Proposed orders should not be e-filed.